

Docket No. 81924.0001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: Peter A.J. van der Made      Group No.: Not Assigned  
Serial or Patent No.: Not Assigned      Examiner: Not Assigned  
Filed or Issued: Herewith  
For: COMPUTER IMMUNE SYSTEM AND METHOD FOR DETECTING UNWANTED CODE IN A COMPUTER SYSTEM

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(c-f) and 1.27 (b-d))

## I. IDENTIFICATION OF PERSON MAKING STATEMENT AND RIGHTS AS A SMALL ENTITY

I hereby state that I am:

## (a) Independent Inventor

a below-named independent inventor, and that I qualify as an independent inventor, as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled \_\_\_\_\_ described in:

the specification filed herewith  
 Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_

## (b) Non-Inventor Supporting a Claim by Another

making this statement to support a claim by \_\_\_\_\_ for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby state that I should qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the invention entitled \_\_\_\_\_ described in:

the specification filed herewith  
 Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_

## (c) Small Business Concern

the owner of the small business concern identified below.  
 an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF CONCERN      VCIS, Inc.  
ADDRESS OF CONCERN      16891 Calle de Sarah, Pacific Palisades, California 90272

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract of law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled COMPUTER IMMUNE SYSTEM AND METHOD FOR DETECTING UNWANTED CODE IN A COMPUTER SYSTEM by inventor(s) Peter A.J. van der Made described in:

the specification filed herewith  
 Application Serial No. \_\_\_, filed \_\_\_  
 Patent No. \_\_\_, issued \_\_\_

If the right held by the above-identified small business concern is not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

**(d) Non-Profit Organization**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF CONCERN  
ADDRESS OF CONCERN

TYPE OF ORGANIZATION

University or Other Institution of Higher Education  
 Tax Exempt under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3))  
 Nonprofit Scientific or Educational Under Statute of State of the United States of America  
Name of State \_\_\_  
Citation of Statute \_\_\_  
 Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 U.S.C. 501(a) and 501(c)(3)), if located in the United States of America  
 Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America if Located in the United States of America  
Name of State \_\_\_  
Citation of Statute \_\_\_

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 C.F.R. 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled \_\_\_ by inventor(s) \_\_\_ described in:

the specification filed herewith  
 Application Serial No. \_\_\_, filed \_\_\_  
 Patent No. \_\_\_, issued \_\_\_

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

**II. OWNERSHIP OF INVENTION BY DECLARANT**

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above-identified

individual  
(item (a) or (b) above)       small business concern  
(item (c) above)       nonprofit organization  
(item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any individual who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that individual had made the invention, (2) any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or (3) a nonprofit organization under 37 C.F.R. 1.9(e).

no such person, concern or organization  
 the person, concern or organization listed below\*



DECLARATION  
and POWER OF ATTORNEY

ORIGINAL  
 CONTINUATION  
 DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed as 1 below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMPUTER IMMUNE SYSTEM AND METHOD FOR DETECTING UNWANTED CODE IN A COMPUTER SYSTEM

The specification of which is attached hereto unless the following box is checked:

was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_

I acknowledge my duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## PRIOR FOREIGN APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of any provisional United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior provisional United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT International filing date of this application.

60/218,469

July 14, 2000

(Application Serial No.)

(Filing Date)

(Status)

POWER OF ATTORNEY: As a named Inventor, I hereby appoint the following attorney(s) and/or Agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

STUART LUBITZ, Reg. No. 20,689; LOUIS A. MOK, Reg. No. 22,585; ALFRED A. D'ANDREA, JR., Reg. No. 27,752; WILLIAM J. KUBIDA, Reg. No. 29,664; STUART T. FLANGLY, Reg. No. 33,940; MICHAEL BYDRICK, Reg. No. 34,131; CAROL W. BURTON, Reg. No. 35,485; STEVEN C. PETERSON, Reg. No. 36,239; WILLIAM H. WRIGHT, Reg. No. 36,312; STEVEN K. BARTON, Reg. No. 38,445; STEFAN J. KIRCHANSKI, Reg. No. 38,586; DAVID LUBITZ, Reg. No. 38,229; WEI-NING YANG, Reg. No. 38,590; SARAH S. D'OURKE, Reg. No. 41,226; L. MATTHEW C. DYER, Reg. No. 42,278; WEI-FU HUO, Reg. No. 45,723

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2	Name of Inventor N/A	Residence: CITY	STATE or COUNTRY
	Post Office Address		CITIZENSHIP

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1 DATE 18/8/2000	SIGNATURE OF INVENTOR 2 DATE
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BEST AVAILABLE COPY